

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL DOWDEN,

Defendant and Appellant.

B266761

(Los Angeles County
Super. Ct. No. GA035494)

APPEAL from a judgment of the Superior Court of Los Angeles County. Dorothy L. Shubin, Judge. Affirmed.

Andrian K. Panton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1998 a jury convicted defendant Michael Dowden of assault with a deadly weapon or by means of force likely to produce great bodily injury, attempted first degree robbery, and three counts of first degree robbery, with several firearm enhancements under Penal Code section 12022.5, subdivisions (a)(1),¹ and one firearm enhancement under section 12022.53, subdivision (d). The trial court sentenced defendant to an aggregate term of 35 years to life and imposed a \$10,000 restitution fine pursuant to section 1202.4.

On June 17, 2015, defendant filed in the trial court a Motion for Restitution Hearing for Reconsideration of Ability to Pay and Constitutionality of Excessive Fines. He argued the trial court violated section 1202.4 by failing to consider his ability to pay the restitution fine and conclusorily asserted it was a constitutionally excessive fine. The trial court denied the motion.

Defendant filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. We advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. Defendant requested, and was granted, an additional 31 days to file a supplemental response, but failed to do so.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441; *People v. Gamache* (2010) 48 Cal.4th 347, 409 [claims regarding amount of restitution fine forfeited by failure to object at sentencing hearing].)

¹ Undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

LUI, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.